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PTO/SB/21 (09-06)

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| <b>TRANSMITTAL<br/>FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 10/561,413-Conf. #8051 |
|   | Filing Date            | December 19, 2005      |
|   | First Named Inventor   | Kyung-Jin Yeum         |
|   | Art Unit               | N/A                    |
|   | Examiner Name          | Not Yet Assigned       |
| Total Number of Pages in This Submission  | Attorney Docket Number | 005363-3271            |

| ENCLOSURES (Check all that apply)  |  |   |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>PTO Form PTO/SB/08A<br>Copies of 5 Foreign patent documents and 4 Non-patent literature documents<br>Return Receipt Postcard |
| <div>Remarks</div>   |  |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                             |          |        |
|--|-----------------------------|----------|--------|
| Firm Name                                  | NUTTER MCCLENNEN & FISH LLP |          |        |
| Signature                                  |                             |          |        |
| Printed name                               | Deborah A. Miller           |          |        |
| Date                                       | November 29, 2006           | Reg. No. | 53,328 |

| Transmittal   |                                 |
|---|---------------------------------|
| I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |                                 |
| Dated: November 29, 2006  | Signature:  (Deborah A. Miller) |



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 29, 2006 Signature: Deborah A. Miller  
(Deborah A. Miller)

Docket No.: 5363-3271  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Kyung-Jin Yeum

Application No.: 10/561,413

Confirmation No.: 8051

Filed: December 19, 2005

Art Unit: Not Yet Assigned

For: SYNERGISTIC EFFECT OF  
COMPOSITIONS COMPRISING  
CAROTENOIDS SELECTED FROM  
LUTEIN, BETA-CAROTENE AND  
LYCOPENE

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)). It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark

Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign and non-patents in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56 (b).

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No.5363-3271.

Dated: November 29, 2006

Respectfully submitted,

By 

Deborah A. Miller

Registration No.: 53,328

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PTO/SB/08A/B (09-06)

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| <b>Substitute for form 1449/PTO</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |   |    |   | <b>Complete if Known</b> |                        |
|  |   |    |   | Application Number       | 10/561,413-Conf. #8051 |
|  |   |    |   | Filing Date              | December 19, 2005      |
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|  |   |    |   | Art Unit                 | N/A                    |
|  |   |    |   | Examiner Name            | Not Yet Assigned       |
| Sheet  | 1 | of | 1 | Attorney Docket Number   | 005363-3271            |

| U.S. PATENT DOCUMENTS |                          |   |                                |  |   |
|-----------------------|--------------------------|---|--------------------------------|--|---|
| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number<br>Number-Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       |                          |   |                                |  |   |

| FOREIGN PATENT DOCUMENTS |                          |   |             |                                   |  |   |                |
|--------------------------|--------------------------|---|-------------|-----------------------------------|--|---|----------------|
| Examiner<br>Initials*    | Cite<br>No. <sup>1</sup> | Foreign Patent Document   |             | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T <sup>6</sup> |
|                          |                          | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |             |                                   |  |   |                |
| /Z.V./                   |                          | DE  | 101 09 798  | 09-12-2002                        | Aventis Pharma Deutschland GmbH                    |   |                |
| ↓                        |                          | EP  | 0 981 969   | 03-01-2000                        | Basf Aktiengesellschaft                            |   |                |
| ↓                        |                          | WO  | 01/17519    | 03-15-2001                        | Cognis Deutschland GmbH                            |   |                |
| ↓                        |                          | WO  | 2004/108869 | 12-16-2004                        | Consejo Superior De Investigaciones Cientificas    |   |                |
| ↓                        |                          | WO  | 2005/027950 | 03-31-2005                        | Ray And Terry's Health Products, Inc.              |   |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS |                          |   |                |
|---------------------------------|--------------------------|---|----------------|
| Examiner<br>Initials            | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
| /Z.V./                          |                          | Database WPI Section Ch, Week 200260, Derwent Publications Ltd., 05-09-2002   |                |
| ↓                               |                          | "Lutein Lycopene Carotene Complex Vegicaps", 03-03-1998, Online, URL: <a href="http://www.solgar.com/online_reference/beta_carotene/lutein.html">www.solgar.com/online_reference/beta_carotene/lutein.html</a>  |                |
| ↓                               |                          | KIOKIAS, S. et al., "Dietary Supplementation With A Natural Carotenoid Mixture Decreases Oxidative Stress", <i>European Journal Of Clinical Nutrition</i> , v. 57, pp. 1135-1140, 2003  |                |
| ↓                               |                          | STAHL, W. et al., "Carotenoid Mixtures Protect Multilamellar Liposomes Against Oxidative Damage: Synergistic Effects Of Lycopene And Lutein", <i>Febs Letters</i> , v. 427, pp. 305-308, 1998   |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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|                       |                 |                    |            |
|-----------------------|-----------------|--------------------|------------|
| Examiner<br>Signature | /Zohreh Vakili/ | Date<br>Considered | 03/18/2010 |
|-----------------------|-----------------|--------------------|------------|